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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

MARK ANTHONY DAVALOS, ) CIVIL NO. 1:22-cv-01093-GSA  
Plaintiff, )  
v. )  
KILOLO KIJAKAZI, ) STIPULATION TO VOLUNTARY  
Acting Commissioner of Social Security, ) REMAND PURSUANT TO SENTENCE  
Defendant. ) FOUR OF 42 U.S.C. § 405(g) AND TO  
 ) ENTRY OF JUDGMENT; ORDER  
 )  
 )

IT IS HEREBY STIPULATED, by and between the parties, through their undersigned attorneys, and with the approval of the Court, that the Commissioner of Social Security has agreed to a voluntary remand of this case pursuant to sentence four of 42 U.S.C. § 405(g). The purpose of the remand is to offer Plaintiff a new decision.

On remand, the Commissioner will further develop the record as necessary, and issue a new decision. The parties further request that the Clerk of the Court be directed to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

1 Dated: November 28, 2022

/s/ *Melissa Newel* \*

2 MELISSA NEWEL

3 Attorney for Plaintiff

4 \*Authorized via e-mail on November 28, 2022

5 PHILLIP A. TALBERT

6 United States Attorney

7 MATHEW W. PILE

Associate General Counsel

Office of Program Litigation, Office 7

Social Security Administration

8 By: /s/ *Mary Tsai*

9 MARY TSAI

10 Special Assistant United States Attorney

11 Attorneys for Defendant

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14 **ORDER**

15 Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of  
16 42 U.S.C. § 405(g) and to Entry of Judgment, IT IS ORDERED that the above-captioned action  
17 is remanded to the Acting Commissioner of Social Security for further proceedings pursuant to  
18 the Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g), sentence four. On remand,  
19 the Appeals Council will remand the case to an administrative law judge for a new decision in  
20 accordance with the parties' Stipulation.

21 The Clerk of the Court is directed to enter a final judgment in favor of Plaintiff, and  
22 against Defendant, reversing the final decision of the Commissioner. The Clerk of the Court is  
23 directed to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final  
24 decision of the Commissioner.

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26

27 IT IS SO ORDERED.

28 Dated: November 28, 2022

/s/ *Gary S. Austin*

UNITED STATES MAGISTRATE JUDGE